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The Patent Counsel

12 August 1981

Philip Morris Incorporated
P.O. Box 26583
Richmond, Virginia 23261
UNITED STATES OF AMERICA

Dear Sir,

Re: (BMH:DR) PHILIP MORRIS INCORPORATED
Australian Patent Appln. 47413/79
Your Reference: PM 697/4248252

Thank you for your letter of 9 June 1981 instructing us to request examination of the above identified application.

You have advised that if considered desirable we may request modified examination of this application. In general, we are disinclined to request modified examination as we have often found the results unnecessarily restrictive. With modified examination the Australian specification and claims must be identical, apart from matters of form, with the granted United States or United Kingdom specifications upon which the request for examination may be based. The Australian Examiner is limited by the local (Australian) novelty requirement and art which has been cited against applications overseas may not be available to the Australian Examiner as prior art. Accordingly such restrictions as may have been necessary overseas may not be necessary in the Australian application.

Further, modified examinations often prove more expensive than regular in the long term. Costs associated with obtaining certified copies, proof reading and typing of amended pages often negate effect of lower fees under this mode of examination.

We note from the copy of USP 4,248,252 forwarded with your 9 June letter that the allowed claims are directed to the situation wherein step (a) ammonia is introduced only via concentrated ammonium hydroxide. In the absence of detailed prosecution notes from the United States application, we can only postulate as to the reason for the execution of the set of claims directed to ammonium carbamate as the contacting agent. Apart from possible objections we would, at this stage, see no reason for their execution in the Australian application. Accordingly we have requested regular examination of this application.

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Source: https://www.industrydocuments.ucsf.edu/docs/hylj0000

The Patent Counsel
Philip Morris Incorporated 12 August 1981

If in future modified examination is contemplated, it is necessary that a certified copy of the granted United States or United Kingdom patent be lodged with the request for examination. We also request that we be supplied with a further (uncertified) copy of the granted patent together with a list of any amendments made to the application during prosecution.

We will write further when the Examiner's report is to hand.

Yours faithfully
PHILLIPS ORMONDE & FITZPATRICK

(Brian M. Hendy)

cc MSG 8/24/81

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